

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 98-385-I)

PATENT

In re Application of: **Hauptmann et al.** )

Serial No.: **09/898,234** )

Filed: **July 3, 2001** )

For: **TNF Receptors, TNF Binding** )  
**Proteins and DNAs Coding For Them** )

Before the Examiner: **E. O'Hara**

Group Art Unit: **1646**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

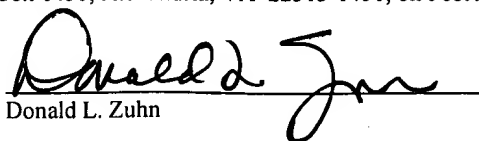
**TERMINAL DISCLAIMER**

Petitioner, **AMGEN INC.**, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,417,158. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,417,158 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,417,158, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,417,158 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on February 4, 2005.

  
Donald L. Zuhn

canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

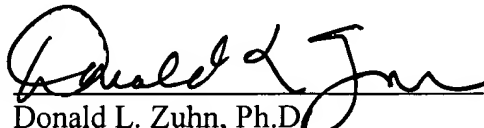
For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Copies of the assignment documents in the chain of title from the original owner to the assignee are attached, and were recorded in the Patent and Trademark Office at reel 015534, frame 0234 and at reel 015559, frame 0974.

The undersigned representative has reviewed the attached assignment documents and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee seeking to take the action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2/4/2005  
DATE

By:   
Donald L. Zuhn, Ph.D.  
Reg. No. 48,710

Attorney of Record  
Title

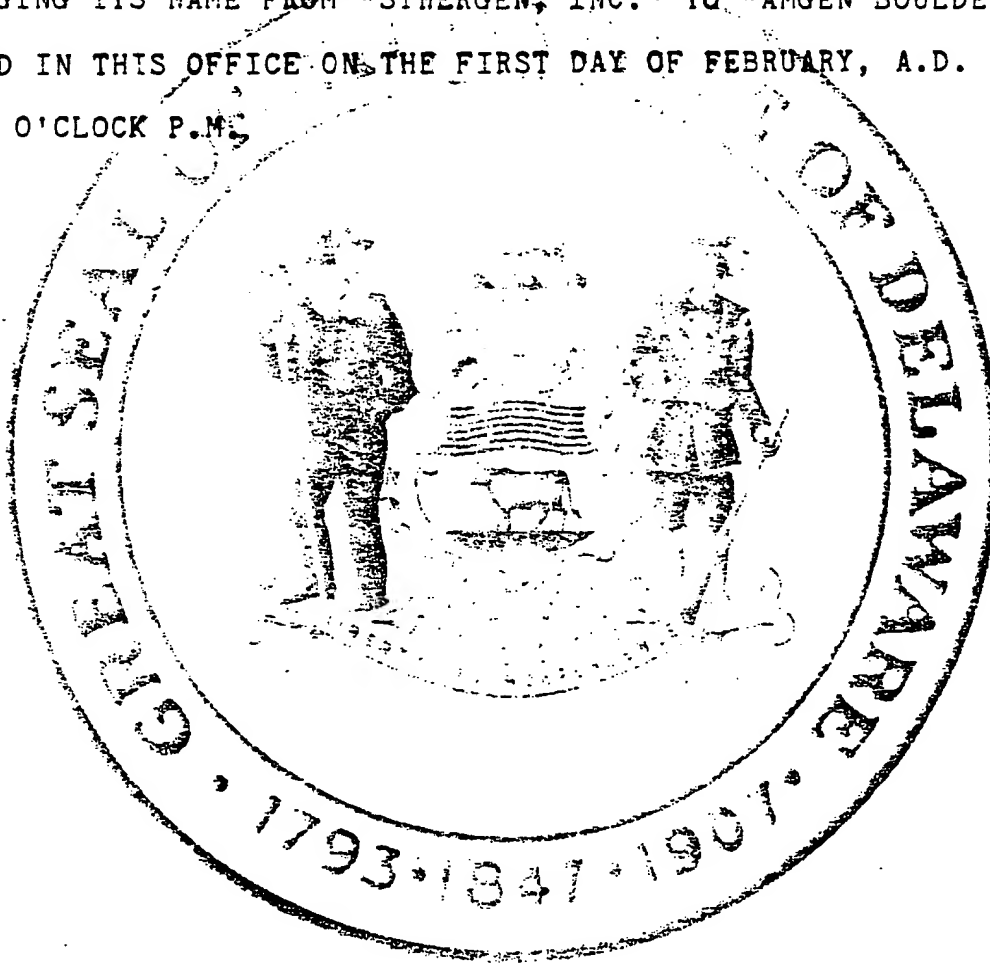
for

AMGEN INC.  
One Amgen Center Drive  
Thousand Oaks, CA 91320-1799  
Address

*Office of the Secretary of State*

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "SYNERGEN, INC.", CHANGING ITS NAME FROM "SYNERGEN, INC." TO "AMGEN BOULDER INC.", FILED IN THIS OFFICE ON THE FIRST DAY OF FEBRUARY, A.D. 1995, AT 2:30 O'CLOCK P.M.



*Edward J. Freel*

Edward J. Freel, Secretary of State

0932371 8100

950195148

AUTHENTICATION:

7622219

DATE:

08-28-95

**CERTIFICATE OF AMENDMENT  
TO THE  
CERTIFICATE OF INCORPORATION  
OF  
SYNERGEN, INC.**

Synergen, Inc., a corporation existing under the laws of the State of Delaware, which was originally incorporated under the name Synergen Associates, Inc. on February 22, 1982 (the "Corporation"), does hereby certify:

I. That Section 1 of the Certificate of Incorporation of the Corporation is hereby amended to read as follows:

1. The name of the corporation is:

Amgen Boulder Inc.

II. That written consent has been given in accordance with Section 228 of the General Corporation Law of the State of Delaware to amend Section 1 of the Certificate of Incorporation of the Corporation and that this Certificate of Amendment to the Certificate of Incorporation was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.



# Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AMGEN BOULDER INC.", A DELAWARE CORPORATION,

WITH AND INTO "AMGEN INC." UNDER THE NAME OF "AMGEN INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTY-FIRST DAY OF DECEMBER, A.D. 1997, AT 10 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Edward J. Freel, Secretary of State

2106150 8100M

971454892

AUTHENTICATION:

8844498

DATE:

01-02-98

**CERTIFICATE OF OWNERSHIP AND MERGER**

**of**

**AMGEN BOULDER INC.**

**(a Delaware corporation)**

**with and into**

**AMGEN INC.**

**(a Delaware corporation)**

It is hereby certified that:

1. Amgen Inc. (the "Corporation") is a corporation of the State of Delaware.
2. Amgen Boulder Inc., a Delaware corporation ("Amgen Boulder"), is a wholly-owned subsidiary of the Corporation.
3. The Corporation, as the owner of at least 90% of the outstanding shares of stock of Amgen Boulder, does hereby merge Amgen Boulder with and into the Corporation.
4. This Certificate of Ownership and Merger constitutes a plan of complete liquidation of Amgen Boulder pursuant to Section 332 of the Internal Revenue Code of 1986, as amended ("Section 332").
5. The following is a copy of the resolutions adopted on December 31, 1997 by unanimous written consent of the Board of Directors of the Corporation with respect to the merger of Amgen Boulder with and into the Corporation (the "Merger"):

RESOLVED, that Amgen Boulder be merged with and into the Corporation pursuant to Section 253 of the Delaware General Corporation Law as hereinafter provided, so that the separate existence of Amgen Boulder shall cease as soon as the Merger shall become effective, and thereupon the Corporation and Amgen Boulder will become a single corporation with the Corporation as the surviving corporation, which shall continue to exist under, and be governed by, the laws of the State of Delaware;

RESOLVED FURTHER, the Merger shall be treated as a tax-free liquidation pursuant to Section 332;

RESOLVED FURTHER, the Certificate of Ownership and Merger setting forth a copy of these resolutions shall be effective upon the filing thereof with the Secretary of State of the State of Delaware; and

RESOLVED FURTHER, that the Chief Executive Officer, President, Chief Financial Officer and Senior Vice President, General Counsel of the Company, and the Secretary

or Assistant Secretary of the Company acting in conjunction with any such officers, be and they hereby are authorized and directed to make and execute a Certificate of Ownership and Merger ("Certificate of Ownership and Merger"), in the form set forth as Exhibit A hereto, setting forth a copy of these resolutions to merge Amgen Boulder into the Corporation, and to cause the same to be filed and recorded as provided by law, and to do all acts and things whatsoever, within the State of Delaware and in any other appropriate jurisdiction, necessary or proper to effect the Merger.

6. The Certificate of Ownership and Merger and the Merger shall become effective upon the filing of such Certificate of Ownership and Merger with the Secretary of State of the State of Delaware.

[Signature Page to Follow]



Signed on December 31, 1997

AMGEN INC.



Name: George A. Vandeman

Title: Senior Vice President, General  
Counsel and Secretary

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ABI-Cof of Merger

FROM LATHAM & WATKINS LA #2

(TUE) 12:30:97 15:47/ST. 15:41/NO. 4261284509 P 4